

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICHARD LEON MCKENZIE,

07-CV-1752-AC

Plaintiff,

ORDER

v.

MAUREEN ROSSI-HILL, MS. T.
CUTLER, THERESA HICKS, RONALD
D. MEYERS, JEAN HILL, LT. L
ALBERTS, OFF. MANO, OFF. JOHN
DOE, each sued in their
individual as well
as their official capacities,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#65) on October 5, 2009, in which he recommended the Court grant Defendants' Motion for Summary Judgment (#46). Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate

Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Plaintiff reiterates the arguments contained in his Response to Defendants' Motion for Summary Judgment and Supplemental Response to Defendants' Motion for Summary Judgment. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#65) and **GRANTS** Defendants' Motion for Summary Judgment (46).

IT IS SO ORDERED.

DATED this 16th day of December, 2009.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge